

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California, pursuant to the authority vested in it by section 1614 of the Business and Professions Code, is proposing to take the action described in the Informative Digest. Any person interested may submit written comments relevant to the action proposed by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice. A written comment period has been established commencing on **May 2, 2008** and closing on **June 16, 2008 at 5:00p.m.** No public hearing is scheduled for this rulemaking, however, any interested person or his or her duly authorized representative may request a public hearing no later than 15 days prior to the close of the written comment period.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1634.1, 1634.2 and 1724 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Title 16 of the California Code of Regulations, Sections 1021, and add Sections 1028.2, 1028.3, 1028.4 and 1028.5

Existing law authorizes the board to regulate the issuance of dental licenses and specifies the requirements for licensure. These regulations will amend current regulations to allow the Board to issue a dental license to applicants who have completed specified national examination requirements and the California law and ethics exam, meet certain education requirements, and have completed a clinically based advanced education program in general dentistry or an advanced educational program in general practice residency. The bill specified that satisfactory evidence of completion of the required program be certified on a certification of clinical residency program completion form approved by the board. This bill was passed by the Legislature and signed on September 30, 2006, making it effective on January 1, 2007. The bill required that the board work together with the Department of Consumer Affairs' Office of Examination Resources (OER) to ensure that the competencies contained in the certification of clinical residency program completion form are aligned with the board's current occupational analysis. The report was completed on November 1, 2007. This has resulted in a need for emergency regulations to fully implement SB 683 to allow application, collection of fees, and establish the processes necessary to allow applicants to submit their statutory requirements and thereby be issued a California dental license. The bill included a provision that emergency regulations be adopted by January 1, 2008. Emergency regulations were adopted on February 1, 2008.

At its meeting on March 7, 2008, the board adopted additional modifications to the text to specify exactly what applicants must provide for proof of graduation and proof that they have not failed the WREB clinical examination within the last five years, as required by Section 1634.1 of the Business and Professions Code. The board also modified application form Residency-1, Application for Determination of Licensure Eligibility (Residency) to require that an applicant disclose any convictions that were expunged, and to eliminate the penalty of automatic forfeiture of the license. The board's address was also updated.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

In FY 2005/06, as reported in the Department of Consumer Affairs' Annual Survey, the total number of new licenses issued to dentists was 867. Assuming that 75% of new licensees will choose to work in or establish new small businesses, the passage of this regulation would have an impact on, or create approximately 650 small businesses.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal will potentially increase the number of small businesses. Assuming that 50% of new licensees licensed according to this process open an independent practice, newly licensed dentists could potentially add up to 433 new businesses in California based upon the number of

new licensees reported in FY 2005-06. These businesses would employ dental assistants, dental hygienists, and front office staff to create up to 2,000 new jobs.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Applicants for licensure through completion of a residency program would pay the same application and licensing fees as any other applicant.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations may affect small businesses if those small businesses are dental offices who will have an increased number of licensed dentists to employ. Dentists who become licensed may also open new dental offices, creating new small businesses employing dental assistants, dental hygienists and other staff.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations during the above-mentioned comment period. If a public hearing is held, oral comments may be presented at the hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the board's website at www.dbc.ca.gov or upon request

from the Dental Board of California at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Donna Kantner
Address:	2005 Evergreen Street, Suite 1550 Sacramento, CA 95815
Telephone No.:	(916) 263-2211
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E-Mail Address:	Donna_Kantner@dca.ca.gov

The backup contact person is:

Name:	Richard L. Wallinder, Executive Officer
Address:	2005 Evergreen Street, Suite 1550 Sacramento, CA 95815
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Website Access : Materials regarding this proposal can be found at www.dbc.ca.gov.